

"An Act supplemental to, and amendatory of, an act entitled, 'An Act to make an appropriation for the fiscal year beginning September 1, 1875, and ending August 31, 1876, and previous years;' also, Senate Bill No. 262, entitled, "An Act to reserve from location, in the event of forfeiture, of the public domain now reserved for the benefit of railroads and railroad companies;" also, Senate Bill 104, entitled, "An Act to regulate fees of Committing Magistrates and Sheriffs in Committing Courts." The same have been properly signed and presented to the Governor this day, at 5:05 o'clock P. M., for his approval.

GRACE, *Chairman.*

On motion of Senator Burton, the rules were suspended, and Senate Joint Resolution No. 396, "To authorize the Governor to send a committee of three Senators to Wharton county to investigate the late disturbances in said county," was taken up, together with the report of the Committee on State Affairs recommending that the resolution do not pass, and read first time.

Senator Burton moved that the report be rejected.

Pending the discussion, on motion of Senator Smith, the Senate adjourned until 8 o'clock to-night.

NIGHT SESSION.

Senate met pursuant to adjournment. The President *pro tem.* in the chair. Roll called. No quorum present.

Senator Ledbetter moved to adjourn until to-morrow morning at 9 o'clock.

Lost.

Senator Ledbetter moved to adjourn for half an hour.

Lost.

Senator Brady moved to adjourn until 8:55 to-morrow morning.

Lost.

Senator Crain moved to adjourn until 9:05 to-morrow morning.

Lost.

Senator Smith moved to adjourn until to-morrow morning at 8:45 o'clock.

Carried.

The Senate then adjourned.

ONE HUNDRED AND THIRD DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, August 17, 1876. }

Senate met pursuant to adjournment. Roll called. No quorum present.

At 9:15 A. M., a quorum was announced present.

President *pro tem.* in the chair. Roll called. Quorum present. Prayer by the Chaplain.

Journal of yesterday adopted.

The President *pro tem.*, after reading their captions, signed the following bills:

Senate Bill No. 29—"An Act to fix the time for holding the next general election."

Senate Bill No. 227—"An Act to punish drunkenness."

Senate Bill No. 79—"An Act to provide for supplying the State Capitol buildings and grounds with water."

Senate Bill No. 289—"An Act to authorize the Clerk of the Court of Appeals to appoint a deputy."

Senator Storey presented the petition of the Commissioners' Court of Blanco county, "stating that their court-house and all the county records were destroyed on the night of the 15th inst., by fire, and asking for such relief as may be proper under the circumstances."

Referred to the Committee on Finance.

Senator Piner, Chairman of Judiciary Committee No. 2, submitted the following report:

Hon. Wells Thompson, President pro tem. of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate Bill No. 401, entitled, "An Act to amend Article 724 of the penal code," have had the same under consideration, and beg leave to report the same back to the Senate, and recommend that it do pass.

PINER, *Chairman.*

Senator Storey, Chairman of the Committee on Finance, submitted the following report:

Hon. Wells Thompson, President pro tem. of the Senate:

Your Finance Committee have had under consideration House Bill No. 27, "An Act regulating interest," and I am instructed by the committee to return the bill to the Senate, and to recommend that the same do pass.

STOREY, *Chairman.*

The President *pro tem.*, after reading its caption, signed the following bill:

House Bill No. 414—"An Act to provide for the manner of filling vacancies in the office of District or County Clerks in such counties as have elected but one Clerk, and to validate their acts."

The President *pro tem.* took up the following bill and referred it to Committee on Public Lands:

House Bill No. 428—"An Act to Amend Section 1 of an act entitled, 'An Act for the benefit of actual occupants of the public lands,' approved May 26, 1873."

House Joint Resolution No. 435—"Authorizing a sale or lease of, and cession of jurisdiction over, certain lands to the United States, for the erection of a fort, arsenal, barracks, military station and camp."

Referred to Committee on State Affairs.

Senator Storey introduced a bill to be entitled: "An Act to authorize the levy and collection of a special tax in Blanco county, for the years, 1876, 1877 and 1878, to erect a court-house and jail, and to donate the State tax for said years to said county, for that purpose,"

Read by caption, and referred to Committee on Finance.

A message was received from the House, announcing the passage by that body of the following bill:

Substitute for House Bills Nos. 272 and 98—"An Act to regulate taxation, and to fix the rate of the same."

Also that the House has concurred in Senate amendments Nos. 1, 2 and 6, and second portion of Nos. 9, 13, 14 and 15, and portions of other amendments to House Bill Nos. 411, "An Act to make appropriations for the support of the State government for the fiscal years ending

August 31, 1877, 1878, and a portion of 1878, ending December 31, 1878," and refuses to agree to others, as are noted in the margin of amendments.

That the House has appointed Representatives Hutchins, Campbell and Lang as a Committee of Free Conference on the part of the House, and request a like committee on the part of the Senate.

On motion of Senator Smith, the Senate refused to recede from its amendments to House Bill No. 411.

The President *pro tem.* appointed Senators Stephens, Francis and Douglass as a Committee of Free Conference on the differences between the two Houses on House Bill No. 411, and, on motion of Senator Smith, Senator Storey was added to the committee.

On motion of Senator Smith, the rules were suspended, and House Bill No. 27, "An Act regulating interest," was taken up and read first time.

Senator Grace, Chairman of the Committee on Enrolled Bills, submitted the following report:

Hon. Wells Thompson, President pro tem. of the Senate:

Your Committee on Enrolled Bills have carefully examined, compared and found correctly enrolled, the following Senate Bills:

Senate Bill No. 79, entitled, "An Act to provide the State Capitol buildings and Capitol grounds with water."

Senate Bill No. 284, entitled, "An Act to authorize the Clerk of the Court of Appeals to appoint a deputy."

Senate Bill No. 224, entitled, "An Act to punish drunkenness."

Senate Bill No. 29, entitled, "An Act to fix the time of holding the next general election."

The same have been properly signed and presented to the Governor for his approval, this day, at 9:40 o'clock A. M. GRACE, *Chairman.*

Senator Stephens, Chairman of the Committee on Engrossed Bills, submitted the following report:

Hon. Wells Thompson, President pro tem. of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate Joint Resolution No. 334, "Providing for the leasing of three hundred feet square in the block or lot of land, in the city of Austin, lying north of the State Capitol, known on the map of said city now on file in the General Land Office, as College Hill, and find the same correctly engrossed. STEPHENS, *Chairman.*

Senator Storey, Chairman of the Committee on Finance, by leave, submitted the following report:

Hon. Wells Thompson, President pro tem. of the Senate:

Your Committee on Finance have had under consideration Senate Bill No. 403, entitled, "An Act to authorize the levy and collection of a special tax in Blanco county, for the years 1876, 1877 and 1878, to erect a court house and jail, and to donate the State tax for said years to said county for that purpose," and I am instructed by the committee to return the bill to the Senate, with the recommendation that it do pass.

STOREY, *Chairman.*

On motion of Senator Piner, the rules were suspended, and Senate Bill No. 379, "An Act to prevent the forgery of titles to land," was taken up, read second time, and ordered engrossed.

On motion of Senator Storey, the rules were suspended, and Senate Bill No. 403, "An Act to authorize the levy and collection of a special tax in Blanco county, for the years 1876, 1877 and 1878, to erect a court house and jail, and to donate the State tax for said years to said county for that purpose," was taken up, and read first time.

Senator Smith moved to suspend the rules, to place the bill on its second reading.

No quorum being present and voting, Senator Storey moved a call of the Senate.

Seconded.

Roll called.

ABSENT—Senators Crain, Edwards, Ledbetter, Stephens, Terrell.

A quorum appearing, the rules were suspended, to place Senate Bill No. 403 on its second reading, by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Burton, Crain, Douglass, Edwards, Francis, Ford, Grace, Henry J. R., Ledbetter, McCulloch, Motley, Piner, Ripetoe, Smith, Stephens, Storey, Terrell, Thompson—22.

NAYS—None.

Bill read second time.

Senator Douglass moved to strike out Section 2 of the bill.

Adopted.

Senator Douglass moved to change the caption to correspond with the change in the bill.

Adopted.

Also, to strike out the word, "county," and insert, "counties," wherever it occurs in the bill.

Adopted.

Senator Douglass offered the following amendment:

Amend, by adding after "Blanco," the words, "Smith, Tarrant, Erath, Denton, Parker, Lampasas, Camp, Sabine, Burnet, Cameron, Brown, Delta, Nacogdoches, and Angelina."

Adopted.

The bill was then ordered engrossed.

Senator Storey moved to still further suspend the rules, and place the bill on its third reading.

Carried by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Burton, Crain, Douglass, Edwards, Francis, Ford, Grace, Henry J. R., Ledbetter, McCulloch, Motley, Piner, Ripetoe, Smith, Stephens, Storey, Terrell, Thompson—22.

NAYS—None.

The bill was read third time, and adopted by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Burton, Crain, Douglass, Edwards, Francis, Ford, Grace, Henry J. R., Ledbetter, McCulloch, Motley, Piner, Ripetoe, Stephens, Storey, Terrell, Thompson—21.

NAYS—Senator Smith—1.

House substitute to House Bills Nos. 272 and 98, "An Act to regulate taxation, and fix the rate of same."

On motion of Senator Douglass, the bill was taken up. fifty copies ordered printed, and made the special order for 10 o'clock to-morrow morning.

On motion of Senator Piner, the vote engrossing Senate Bill No. 397 was reconsidered.

Senator Piner offered the following amendment:

"SEC. 3. Whereas, there are many persons engaged in forging land titles in different counties in the State in which court houses have been burned, and thereby many citizens may lose their land through such forgeries, a public necessity and emergency exists for immediate legislation to prevent such evils; therefore it is hereby enacted that this act take effect and be in force from and after its passage."

Adopted.

Bill ordered engrossed.

Senator Piner moved a further suspension of the rules, to place the bill on its third reading.

Carried by the following vote:

YEAS—Senator Ball, Blassingame, Brady, Brown, Burton, Crain, Douglass, Edwards, Francis, Ford, Grace, Henry J. R., Ledbetter, McCulloch, Motley, Piner, Ripetoe, Smith, Stephens, Storey, Terrell, Thompson—22.

NAYS—None.

Bill read third time, and passed by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Burton, Crain, Douglass, Edwards, Francis, Ford, Grace, Henry J. R., Ledbetter, McCulloch, Motley, Piner, Ripetoe, Smith, Stephens, Storey, Terrell, Thompson—22.

NAYS—None.

Senator Smith in the chair.

On motion of Senator Crain, Senate Bill No. 217, "An Act to encourage stock raising," etc., was taken up, and all the House amendments concurred in, except the fifth amendment.

Senators Crain, Brady and Ford were appointed a Committee of Free Conference on said bill, and a like committee was requested by the Senate, on the part of the House,

Senator Crain, from the Committee on Engrossed Bills, submitted the following reports:

Hon. Wells Thompson, President pro tem. of the Senate:

Your Committee on Engrossed Bills have carefully read, examined and compared Senate Bill No. 391, "An Act to provide for the payment of claims for purchase of books, apparatus and furniture for the public free schools," etc., and find the same correctly engrossed:

CRAIN, for Committee.

Hon. Wells Thompson, President pro tem. of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared the following bill, and find the same correctly engrossed.

Senate Bill No. 388—"An Act to change the Tenth, Twelfth and Thirteenth Judicial Districts, and create the Twenty-eighth Judicial District, and prescribe the times of holding courts therein."

CRAIN, for Committee,

Senate Joint Resolution No. 396, "Authorizing the Governor to appoint Senators to visit Wharton county and investigate the killing of certain colored persons in said county," being the unfinished business, was taken up.

Senator Crain moved to postpone its further consideration until Saturday next.

Senator Douglass moved the previous question.

Seconded.

The main question ordered.

The motion to postpone carried by the following vote:

YEAS—Senators Ball, Blassingame, Brown, Crain, Douglass, Edwards, Francis, Grace, Henry J. R., Ledbetter, McCulloch, Motley, Piner, Smith, Storey—15.

NAYS—Senators Brady, Burton, Ford, Ripetoe, Terrell, Thompson—6.

NOT VOTING—Senator Stephens—1.

On motion of Senator Ball, the rules were suspended, and House Bill No. 407, "An Act providing for the filling of vacancies in the offices of County Treasurer, County Surveyor and Hide Inspector," was taken up and read first time.

Senator Douglass moved to suspend the rules and place the bill on its second reading.

Carried by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Crain, Douglass, Edwards, Francis, Ford, Grace, Henry J. R., Ledbetter, McCulloch, Motley, Piner, Ripetoe, Smith, Stephens, Storey, Terrell, Thompson—21.

NAYS—None.

NOT VOTING—Senator Burton—1.

Bill was read second time.

Senator Douglass offered the following amendment:

Strike out the words, "District Judge," wherever they occur in the bill, and insert, "County Commissioners' Court."

Adopted.

Bill passed to a third reading.

Senator Ball moved a still further suspension of the rules, to place the bill on its third reading.

Carried by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Burton, Crain, Douglass, Edwards, Francis, Ford, Grace, Henry J. R., Ledbetter, McCulloch, Motley, Piner, Ripetoe, Smith, Stephens, Storey, Terrell, Thompson—22.

NAYS—None.

The bill was read third time, and passed by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Burton, Crain, Douglass, Edwards, Francis, Ford, Grace, Henry J. R., Ledbetter, McCulloch, Motley, Piner, Ripetoe, Smith, Stephens, Storey, Terrell, Thompson—22.

NAYS—None.

On motion of Senator Storey, the rules were suspended, and Senate Bill No. 390, "An Act supplementary to an act to make an appropriation for the deficiencies for the present year, beginning September 12, 1875, and ending August 31, 1876, and previous years," was taken up, read second time, and ordered engrossed.

Senator Storey moved to still further suspend the rules, and place the bill on its third reading.

Carried by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Crain, Douglass, Edwards, Francis, Ford, Grace, Henry J. R., Ledbetter, McCulloch,

Motley, Piner, Ripetoe, Smith, Stephens, Storey, Terrell, Thompson—21.

NAYS—None.

NOT VOTING—Senator Burton—1.

Bill read third time and passed by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Burton, Crain, Douglass, Edwards, Francis, Ford, Grace, Henry J. R., Ledbetter, McCulloch, Motley, Piner, Ripetoe, Smith, Stephens, Storey, Terrell, Thompson—22.

NAYS—None.

A message was received from the House, announcing that the House has appointed Representatives Kinnison, Moses, and Rogers a Committee of Free Conference on disagreement between the two Houses on Senate Bill No. 217, "An Act to encourage stock raising, and for the protection of stock raisers."

On motion of Senator Piner, the rules were suspended, and Senate Bill No. 401, "An Act to amend Article 724 of the penal code, approved August 28, 1856," was taken up and read second time, and ordered engrossed.

Senator Crain moved to suspend the rules and place the bill on its third reading.

Carried, by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Crain, Douglass, Edwards, Francis, Ford, Grace, Henry J. R., Ledbetter, McCulloch, Motley, Piner, Ripetoe, Smith, Stephens, Storey, Terrell, Thompson—21.

NAYS—None.

NOT VOTING—Senator Burton—1.

Bill read third time and passed by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Burton, Crain, Douglass, Edwards, Francis, Ford, Grace, Henry J. R., Ledbetter, McCulloch, Motley, Piner, Ripetoe, Smith, Stephens, Storey, Thompson—21.

NAYS—None.

NOT VOTING—Senator Terrell—1.

On motion of Senator Piner, the Senate went into executive session on the Governor's message of the 12th inst.

IN SENATE.

The Secretary was instructed to inform His Excellency, the Governor, that the Senate does advise and consent to all his appointments of Notaries Public in his message of August 12th, 1876.

Substitute for House Bill No 339, "An Act to provide for the speedy assessment and collection of taxes upon land and real estate in cases where such property has been subject by law to taxation, but the assessment thereof has been omitted," being a special order, was taken up, and read third time, and the bill passed by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Burton, Douglass, Francis, Ford, Grace, Henry J. R., Ledbetter, McCulloch, Motley, Piner, Ripetoe, Smith, Stephens, Storey, Terrell, Thompson—20.

NAYS—Senator Edwards—1.

Senator Terrell, in voting "yea," on the above bill, asked that the following be spread upon the journal in explanation of his vote:

"In voting for this bill I desire to have entered on the journals my doubts as to whether, in view of the Fourteenth Amendment to the

Federal Constitution, this Legislature can, in carrying out Section 13, Article 8, of the State Constitution, adopt any means of conveying title to a purchaser at tax sale of lands which had not been properly assessed before the adoption of the State Constitution."

Senate Bill No. 128, entitled, "An Act to be entitled, an act to carry into effect Section 11, Article 16, of the Constitution," was taken up, and indefinitely postponed.

On motion of Senator Edwards, the rules were suspended, and Senate Bill No. 376, entitled, "An Act to provide for the funding of claims due by the school fund, and to provide means of paying the same," was taken up, read second time, amendments of the committee adopted, and the bill ordered engrossed.

Senator Edwards moved to suspend the rules and place the bill on its third reading.

Carried, by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Burton, Douglass, Edwards, Francis, Ford, Grace, Henry J. R., Ledbetter, McCulloch, Motley, Piner, Ripetoe, Smith, Stephens, Storey, Terrell, Thompson—21.

NAYS—None.

NOT VOTING—Senator Crain—1.

Bill read third time, and passed by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Burton, Crain, Douglass, Francis, Ford, Grace, Henry J. R., Ledbetter, McCulloch, Motley, Piner, Ripetoe, Smith, Stephens, Storey, Terrell, Thompson—21.

NAYS—None.

NOT VOTING—Senator Edwards, who was excused from voting.

On motion of Senator Terrell, the rules were suspended, and House Bill No. 406, "An Act to authorize the Commissioners' Courts to procure buildings for the use of the County Courts in certain cases," was taken up and read first time.

On motion of Senator Terrell, the rules were further suspended, to place the bill on its second reading, by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Burton, Douglass, Edwards, Francis, Ford, Grace, Henry J. R., Ledbetter, McCulloch, Motley, Piner, Ripetoe, Smith, Stephens, Storey, Terrell, Thompson—21.

NAYS—None.

NOT VOTING—Senator Crain—1.

The bill was then read second time and passed to third reading.

On motion of Senator Terrell, the rules were suspended, to place the bill on its third reading, by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Burton, Douglass, Edwards, Francis, Ford, Grace, Henry J. R., Ledbetter, McCulloch, Motley, Piner, Ripetoe, Smith, Stephens, Storey, Terrell, Thompson—21.

NAYS—None.

NOT VOTING—Senator Crain—1.

The bill was then read third time and passed by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Burton, Douglass, Edwards, Francis, Ford, Grace, Henry J. R., Ledbetter, McCulloch, Motley, Piner, Ripetoe, Smith, Stephens, Storey, Terrell, Thompson—21.

NAYS—None.

NOT VOTING—Senator Crain—1.

On motion of Senator Storey, the rules were suspended, and substitute for House Bills Nos. 272 and 98, "An Act to regulate taxation and to

fix the rate of the same," was taken up, fifty copies ordered printed, and made special order for to-morrow morning at 10 o'clock.

On motion of Senator Blassingame, the rules were suspended, and House Bill No. 428, "An Act to amend Section 1 of an act entitled, 'An Act for the benefit of actual occupants of the public lands,' approved May 26, 1873," was taken up and read first time.

On motion of Senator Blassingame, the rules were suspended to place the bill on its second reading, by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Burton, Crain, Douglass, Edwards, Francis, Ford, Grace, Henry J. R., Ledbetter, McCulloch, Motley, Piner, Ripetoe, Smith, Stephens, Storey, Terrell, Thompson—22.

NAYS—None.

The bill was then read second time and passed to a third reading.

On motion of Senator Blassingame, the rules were suspended, to place the bill on its third reading, by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Burton, Crain, Douglass, Edwards, Francis, Ford, Grace, Henry J. R., Ledbetter, McCulloch, Motley, Piner, Ripetoe, Smith, Stephens, Storey, Terrell, Thompson—22.

NAYS—None.

The bill was then read third time and passed by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Burton, Crain, Douglass, Edwards, Francis, Ford, Grace, Henry J. R., McCulloch, Motley, Piner, Ripetoe, Smith, Stephens, Storey, Terrell, Thompson—22.

NAYS—None.

Senator Motley moved that the Senate stand adjourned until 8 o'clock to-night.

Lost.

Senator Stephens, Chairman of Committee on Engrossed Bills, submitted the following report:

Hon. Wells Thompson, President pro tem. of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared the following bill and found the same correctly engrossed:

Senate Bill No. 394—"An Act to regulate elections."

STEEHENS, *Chairman.*

On motion of Senator Stephens, the rules were suspended, and House Bill No. 364, "An Act to define the duties of persons subject to taxation by the laws of the State, and to fix penalties for the violation of the same," was taken up and read third time.

Senator Edwards offered the following amendment:

After line 5, insert the following words: "Or before some officer authorized to take acknowledgments of any instrument of writing for record."

Adopted.

The bill then passed.

On motion of Senator Blassingame, the Senate adjourned until 8 o'clock to-night.

NIGHT SESSION.

Senate met pursuant to adjournment. President *pro tem.* in the chair. Roll called. No quorum present.

At 8:15 P. M., quorum was announced present.

Senator Piner, Chairman of Judiciary Committee No. 2, submitted the following reports:

Hon. Wells Thompson, President pro tem. of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate Bill No. 282, "An Act to provide for the surveying and making lines in certain cases, and to provide for the mode of payment therefor," have considered the same, and report it back and recommend that it do pass.

PINER, Chairman.

Hon. Wells Thompson, President pro tem. of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate Bill No. 241, "An Act to amend Section 11 of an act approved February 5, 1841, entitled, 'An Act of limitations,'" have considered the same, and recommend that it do pass.

PINER, Chairman.

Hon. Wells Thompson, President pro tem. of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate Bill No. 118, entitled, "An Act to amend Articles 549, 551, 553, 554 and 565, and to repeal article 550 of the code of criminal procedure," have had the same under consideration, and I am instructed to report it back, and recommend that it do not pass.

PINER, Chairman.

Hon. Wells Thompson, President pro tem. of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate Bill No. 5, entitled, "An Act to provide for the alternation of the Judges of the Twenty-third and Twenty-fourth Judicial Districts," have had the same under consideration, and I am instructed to report the bill back, and recommend that it do not pass.

PINER, Chairman.

Hon. Wells Thompson, President pro tem. of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate Bill No. 90, entitled, "An Act to amend an act to establish a penal code for the State of Texas," approved August 28, 1856, have had the same under consideration, and I am instructed to report it back, and recommend that it do not pass.

PINER, Chairman.

Hon. Wells Thompson, President pro tem. of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate Bill No. 101, entitled, "An Act to regulate interest," have had the same under consideration, and I am instructed by the committee to report the bill back and recommend that the bill do not pass.

PINER, Chairman.

Hon. Wells Thompson, President pro tem. of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate Bill No. 173, "An Act to allow fees to Justices of the Peace when acting as Examining Courts," have had the same under consideration, and report it back, and recommend that it do pass.

PINER, Chairman.

Hon. Wells Thompson, President pro tem. of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate Bill No. 77, "An Act to repeal an act entitled, 'An Act requiring Justices of

the Peace to tax a jury fee of \$3.00 in each criminal case tried before them, and to allow fees to juries in each,' passed August 11, 1870," have considered the same, and report it back and recommend that it do not pass.

PINER, Chairman.

Hon. Wells Thompson, President pro tem. of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate Bill No. 34, "An Act to repeal the act authorizing the Clerk of the District Court and Justices of the Peace to issue executions after the adjournment of each term of their respective courts," have considered the same, and recommend that it do not pass.

PINER, Chairman.

Hon. Wells Thompson, President pro tem. of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate Bill No. 75, entitled, "An Act providing for the election of District Attorneys, their duties and compensation," have had the same under consideration, and I am instructed to report it back and recommend that it do not pass.

PINER, Chairman.

Hon. Wells Thompson, President pro tem. of the Senate:

Your Judiciary Committee No. 2, to whom was referred Senate Bill No. 227, have had the same under consideration and report it back and recommend that it do not pass, because a bill has already been passed in substance the same.

PINER, Chairman.

Hon. Wells Thompson, President pro tem. of the Senate:

Your Judiciary Committee No. 2, to whom was referred House Bill No. 327, "An Act to amend Article 1723 (3) of the District Court act regulating the registration of mortgages," approved May, 13, 1838, have considered the same, and recommend that it do pass.

PINER, Chairman.

Hon. Wells Thompson, President pro tem. of the Senate:

Your Judiciary Committee No. 2, to whom was referred House Bill No. 82, "An Act to define and punish nuisance," have considered the same, and report it back, and recommend that it do pass.

PINER, Chairman.

Hon. Wells Thompson, President pro tem. of the Senate:

Your Judiciary Committee No. 2, to whom was referred House Bill No. 200, entitled, "An Act to define and punish sodomy," have considered the same, and recommend that it do pass.

PINER, Chairman.

Hon. Wells Thompson, President pro tem. of the Senate:

Your Judiciary Committee No. 2, to whom was referred House Bill No. 85, entitled, "An Act to amend Article 702 of the code of criminal procedure in relation to bail bonds," have considered the same, and report it back, and recommend that it do pass.

PINER, Chairman.

Hon. Wells Thompson, President pro tem. of the Senate:

Your Judiciary Committee No. 2, to whom was referred House Bill No. 192, entitled, "An Act to amend the act of November 8, 1866, amending an act entitled, 'An Act to establish a penal code,'" approved

August 26, 1856, have had the same under consideration, and I am instructed by the committee to report the bill back to the Senate, and recommend its passage.

PINER, *Chairman*.

Hon. Wells Thompson, President pro tem. of the Senate:

Your Judiciary Committee No. 2, to whom was referred House Bill No. 294, "An Act to authorize County Commissioners' Courts in each county to create new precincts in their respective counties, and to appoint Justices of the Peace and Constables in such precincts to serve until the next succeeding general election," have had under consideration the same, and recommend that it do pass.

PINER, *Chairman*.

Senator Crain, from the Committee of Free Conference on Senate Bill No. 217, submitted the following report:

Hon. Wells Thompson, President pro tem. of the Senate:

Your Committee of Free Conference on the disagreement between the two Houses on the fifth amendment of the House to Senate Bill No. 217, "An Act to encourage stock raising, and for the protection of stock raisers," have had the same under consideration, and have so amended said House amendment as that it will read as follows:

Amend Section 46, line 8, by inserting after the word, "Johnson," the words, "Austin, Washington, Burleson."

CRAIN,	}	<i>Senate Committee.</i>
BRADY,		
FORD,		
KINNISON,	}	<i>House Committee.</i>
MOSES,		
ROGERS,		

Report of the committee adopted.

A message was received from His Excellency, the Governor.

On motion of Senator Henry of Limestone, the rules were suspended, and Senate Bill No. 388, "An Act to change the Tenth, Twelfth and Thirteenth Judicial Districts, and to create the Twenty-eighth Judicial District," was taken up and read third time, and passed by the following vote:

YEAS—Senators Blassingame, Brady, Brown, Crain, Edwards, Henry J. R., McCulloch, Piner, Ripetoe, Smith, Storey, Terrell, Thompson—13.

NAYS—Senators Ball, Douglass, Francis, Ford, Grace, Ledbetter, Motley, Stephens—8.

NOT VOTING—Senator Burton—1.

Senator Edwards, Chairman of Committee on Private Land Claims, submitted the following reports:

Hon. Wells Thompson, President pro tem. of the Senate:

Your Committee on Private Land Claims, to whom was referred Senate Bill No. 271, "An Act for the relief of those, and the heirs of those, who participated in what is known as 'Dawson's Massacre or Defeat,'" and a majority of the committee instruct me to report it back and recommend its passage.

EDWARDS, *Chairman*.

Hon. Wells Thompson, President pro tem. of the Senate:

Your Committee on Private Land Claims, to whom was referred Senate Bill No. 279, "An Act for the relief of the heirs of Charles Burnet,

deceased," have had the same under consideration, and a majority of said committee instruct me to report the bill back, and recommend its passage.

EDWARDS, *Chairman*.

Senator Storey offered the following resolution:

Resolved, That the Chairman of the Committee on Contingent Expenses and the President of the Senate, be authorized to approve an account of ten dollars, in favor of G. Walmsley, for services rendered Judiciary Committee No. 1, as Clerk, in the month of July, ult.

Resolution adopted.

Senator Blassingame, by leave, presented a petition from the citizens of Grayson and Cook counties, asking the repeal of the act entitled, "An Act to provide for the transfer of business, civil and criminal, pending in the District Courts, over which jurisdiction is given by the Constitution to the Justices' Courts, to the several Justices' Courts of this State."

Referred to Judiciary Committee No. 2.

Senator Storey, Chairman of the Committee on Finance, submitted the following report:

Hon. Wells Thompson, President pro tem. of the Senate:

Your Finance Committee to whom was referred House Bill No. 275, entitled, "An Act to authorize the Comptroller of Public Accounts to issue duplicate warrants," have had the same under consideration, and instruct me to report it back with the accompanying amendments, and, as amended, recommend that it do pass.

STOREY, *Chairman*.

Amend caption by inserting after the word, "warrants," the following words, "And duplicates or copies of certificates or other evidences of indebtedness, approved by the auditorial board of the State."

Amend Section 1, line 7, by inserting after the word, "lost," the following words, "or when any certificate or other evidence of indebtedness approved by the Auditorial Board of the State, has been lost."

In Section 1, line 8, after the word, "warrant," strike out balance of the section and insert, "in lieu of the original warrant or duplicate, or copy of such certificate, or other evidence of indebtedness, in lieu of such original; and, upon the applicant filing with the Comptroller his affidavit that he is the true owner of such instrument, and that the same is, in fact, lost or destroyed; and shall also file with the Comptroller his bond, in double the amount of the claim, with two or more good and sufficient sureties, to be payable to the Governor of the State, approved by the Comptroller, and conditioned that the applicant will hold the State harmless and return to the Comptroller, upon demand being made therefor, said duplicates or copies, or the amount of money named therein, together with all costs that may accrue against the State for collecting the same."

"SEC. 2. That if, after the issuance of any of said duplicates or copies, the Comptroller should ascertain that the same was improperly issued, or that the applicant, or party to whom the same was issued, was not the owner thereof, he shall at once demand the return of said duplicate or copy, if unpaid, or the amount paid out by the State, if so paid; and, upon the failure of the party to return the same, or the amount of money called for, suit shall be instituted upon said bond in the court having jurisdiction of the amount in controversy in the city of Austin, Travis county, Texas."

Re-number Section 2 and make it Section 3.

On motion of Senator Edwards, the rules were suspended, and Senate Bill No. 400, "An Act to provide for the manner of purchasing fuel for the use of the Legislature, and other departments of the government, except the Judicial Department," was taken up and read second time.

Senator Edwards offered the following amendments:

After the word, "requires," in Section 7, insert the words, "and it is hereby enacted."

In line 8, strike out the word, "shall."

Adopted.

Senator Stephens moved to print 50 copies, and make it the special order at — o'clock P. M.

Lost.

The bill ordered engrossed.

Senator Edwards moved to suspend the rules and place the bill on its third reading.

Carried by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Burton, Crain, Douglass, Edwards, Francis, Ford, Grace, Henry J. R., Ledbetter, McCulloch, Motley, Piner, Smith, Stephens, Storey, Terrell, Thompson—20.

NAYS—Senator Ripetoe—1.

NOT VOTING—Senator Brown—1.

Bill read third time and passed by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Burton, Crain, Douglass, Edwards, Francis, Ford, Grace, Henry J. R., Ledbetter, McCulloch, Motley, Piner, Ripetoe, Smith, Stephens, Storey, Terrell, Thompson—21.

NAYS—None.

NOT VOTING—Senator Brown—1.

Senator Terrell, from Judiciary Committee No. 1, submitted the following report:

Hon. Wells Thompson, President pro tem. of the Senate:

Your Judiciary Committee No. 1, to whom was referred House Bill No. 193, "An Act to repeal 'An Act to provide for the registration of births,'" have had the same under consideration, and beg leave to report the same back to the Senate, and recommend the accompanying substitute for the same.

TERRELL, *for Committee.*

Senator Storey offered the following resolution:

Resolved, That the Senate proceed on the 18th inst., at 12 m., to the election of a President *pro tempore* of the Senate, whose term of office shall begin at the close of the present session of the Legislature.

On motion of Senator Storey, the resolution was made special order for to-morrow morning at 10 o'clock.

On motion of Senator Storey, the rules were suspended, and House Bill No. 156, "An Act to enforce the collection of delinquent taxes upon lands assessed since January, 1870," was taken up and read first time.

Senator Storey moved to suspend the rules, and place the bill on its second reading.

Carried, by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Burton, Crain, Douglass, Edwards, Francis, Ford, Grace, Henry J. R., Ledbetter, McCulloch, Motley, Piner, Ripetoe, Smith, Storey, Terrell, Thompson—20.

NAYS—Senator Stephens—1.

NOT VOTING—Senator Brown—1.

Bill read second time.

Senator Stephens moved to adjourn until to-morrow morning at 9 o'clock.

Lost, by the following vote:

YEAS—Senators Brady, Ford, Ledbetter, McCulloch, Ripetoe, Stephens—6.

NAYS—Senators Ball, Blassingame, Burton, Crain, Douglass, Edwards, Francis, Grace, Henry J. R., Motley, Piner, Smith, Storey, Terrell, Thompson—15.

NOT VOTING—Senator Brown—1.

Senator Storey offered the following amendment:

In Section 2, line 14, after, "court-house," insert the word, "door." Adopted.

Senator Burton offered the following:

Amend by striking out, "1870," and insert, "January, 1874."

Senator Douglass offered the following as a substitute for Senator Burton's amendment:

Amend Section 6, by adding at the end of the section:

"*Provided*, That the owner of such land, or his agent, shall, upon the payment of all delinquent taxes due upon said land since January 1, 1873, prior to the day upon which said land is advertised to be sold, he shall receive a full and complete acquittance from all delinquent taxes due upon such land."

Adopted, and the amendment as substituted adopted.

Senator Piner offered the following amendment:

Amend the last section by adding thereto the words, "it is therefore enacted that this act take effect and be in force from and after its passage."

Adopted by the following vote:

YEAS—Senators Blassingame, Francis, Grace, Ledbetter, McCulloch, Piner, Smith, Stephens, Storey, Terrell, Thompson—11.

NAYS—Senators Ball, Brady, Burton, Crain, Douglass, Edwards, Ford, Henry J. R., Motley, Ripetoe—10.

NOT VOTING—Senator Brown—1.

Senator Ball offered the following:

Add to Section —, the following words, "except receipts for taxes, signed by some person authorized by law to receive said taxes."

Adopted.

Senator Ball in the chair.

Senator Storey moved to reconsider the vote adopting Senator Piner's amendment.

Adopted, and the amendment withdrawn.

Senator Storey offered the following amendment:

In Section 7 strike out the word, "for," at the end of the section.

Adopted.

Senator Piner offered the following amendment:

"SEC. —. That all laws and parts of laws in conflict with the provisions of this act be, and the same are hereby repealed."

Adopted, and the bill passed to a third reading.

Senator Piner moved to suspend the rules and place the bill on its third reading.

Carried by the following vote:

YEAS—Senators Ball, Blassingame, Brady, Brown, Crain, Douglass, Edwards, Francis, Ford, Grace, Henry J. R., Ledbetter, McCulloch, Motley, Piner, Ripetoe, Smith, Stephens, Storey, Terrell, Thompson—21.

NAYS—Senator Burton—1.

Bill read third time.

Senator Douglass offered the following substitute for Section 18:

"SEC. 18. That an imperative public necessity exists for the passage of this act immediately, there being no efficient law for the collection of delinquent taxes."

Pending which, on motion of Senator Crain, the Senate adjourned until 9 o'clock to-morrow morning.

ONE HUNDRED AND FOURTH DAY.

SENATE CHAMBER,
AUSTIN, TEXAS, August 18, 1876. }

Senate met pursuant to adjournment. President *pro tem.* in the chair. Roll called. No quorum present.

At 9:15 A. M. a quorum was announced present.

Prayer by the Chaplain.

Journal of yesterday adopted.

Senator Motley, by leave, offered the following resolution:

Resolved, That the Secretary of the Senate be required, after the adjournment of the Fifteenth Legislature, to make out an alphabetical list of all the unfinished business of the present session, and file the same with the Secretary of State, taking his receipt for the same. That he be further required to superintend the printing of the journals, correct the proof, and make a complete index to the journal; and upon the completion of the journal and laws, general and special, of this session, to forward a copy of each to every member of the Senate; for which purpose the Secretary be continued in office for sixty days after the adjournment.

Adopted.

Senator Crain presented the petition of the Commissioners' Court of Wilson county, asking for the passage of a law legalizing the sale of certain county real estate, by an agent duly appointed, but whose sales of said real estate, though advantageous to the county, were not made under the strict forms of the law," etc.

Referred to Judiciary Committee No. 2.

Senator Terrell, from Judiciary Committee No. 1, submitted the following report and resolution:

Hon. Wells Thompson, President pro tem. of the Senate:

Your Judiciary Committee No. 1, to whom was referred the memorial of Merrick & Durant, attorneys, and also the statement of D. C. Giddings, as well as the message of His Excellency, the Governor, touching the matters referred to in said memorial, have had the same under consideration, and instruct me to report that the failure of the Senate, until a late period, to authorize the taking of testimony at the expense of the memorialists as proposed by them, has rendered impossible the investigation at this session.

A large mass of depositions were presented to your committee on yes-